

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

THURSDAY, THE 29TH DAY OF JANUARY 2015/9TH MAGHA, 1936

Bail Appl..No. 330 of 2015

CRIME NO.4/2014 OF SPECIAL MOBILE SQUAD, KASARAGOD

PETITIONER(S)/ACCUSED:

**SHINE @ THOMAS, AGED 30 YEARS,
S/O.JOSEPH @ THANKACHAN, RESIDING AT OOROTH HOUSE
GOKKADAVU, CHITTARIKKAL VILLAGE,
KASARAGOD DISTRICT.**

BY ADV. SRI.T.MADHU

RESPONDENT(S)/COMPLAINANT:

**THE STATE OF KERALA
THROUGH THE STATION HOUSE OFFICER,
SPECIAL MOBILE SQUAD,
KASARAGOD REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM - 682031.**

BY PUBLIC PROSECUTOR SRI.SHIBU GEORGE

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29-01-2015,
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

PJ

B. KEMAL PASHA, J.

.....
B.A. No.330 of 2015
.....

Dated this the 29th day of January, 2015

ORDER

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Petition filed under Section 439 Cr.P.C.

2. Petitioner is the accused in Crime No.4/2014 of SMS Police Station, Kasaragod registered for the offences punishable under Section 376 IPC and Sections 3(1)(xii) and 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The allegation against the petitioner is that on one day he committed rape on the *defacto complainant* while she went to a stream passing through a rubber estate for taking bath. Thereafter, by intimidating her, he continued to sexually harass the victim. The victim is a member of the scheduled tribe. She has three children. Her husband had abandoned her. It is alleged that by making use of the said miserable state of affairs of the scheduled tribe woman, the

petitioner had sexually harassed and abused her. She became pregnant in the relationship and she gave birth to a child. The petitioner has surrendered before the investigating officer on 06.01.2015 and thereafter, he has been in custody.

4. Heard learned counsel for the petitioner and the learned Public Prosecutor.

5. No criminal antecedents have been reported against the petitioner. The investigation of this case is practically over. The continued detention of the petitioner in custody is not required for the continued investigation of this case. Considering the facts and circumstances of this case and having regard to the period undergone by the petitioner in custody and the present stage of investigation, I am satisfied that the petitioner can be enlarged on bail.

6. In the result, this Bail Application is allowed and the petitioner shall be enlarged on bail on his executing a bond for ₹25,000/- (Rupees twenty five thousand only) with

two solvent sureties for the like sum each to the satisfaction of the concerned Judicial First Class Magistrate's Court, and subject to the following terms and conditions:-

(i) The petitioner shall report before the Investigating Officer in between 9 a.m. and 11 a.m. on all Thursdays and Mondays commencing from 05.02.2015 for a period of six months.

(ii) The petitioner shall neither contact the defacto complainant woman or her family members nor make any attempt for the same, either directly or indirectly.

(iii) The petitioner shall not tamper with the evidence or influence witnesses.

(iv) The petitioner shall make himself available for interrogation as and when required by the Investigating Officer.

(v) The petitioner shall not involve in any offence while on bail.

It is made clear that the violation of any of the conditions stipulated above will result in the cancellation of bail.

Sd/-
(B.KEMAL PASHA, JUDGE)